

REGULAR CITY COUNCIL MEETING

JULY 1, 1985

PRESENT

Grant S. Nielson
Don Dafoe
Gayle Bunker
Neil Dutson
Ruth Hansen

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

Craig Greathouse
Warren Peterson

Council Member
City Attorney

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Neil Forster
Bryce Ashby
Joe McConaby
Martin Ludwig
Abe Johnson
Dr. Kenneth Topham
Dave Clark
Sharon Clark

City Manager
City Recorder
Public Works Director
City Fire Chief
KNAK
City Resident
Millard County Commissioner
Millard County School District
Delta Area Chamber of Commerce
Delta Area Chamber of Commerce

Mayor Grant Nielson called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Nielson stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the Millard County Gazette, and the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Public Hearing held June 24, 1985, were presented for the Council's consideration and approval. Following a brief discussion of the minutes, Council Member Don Dafoe MOVED that the minutes be approved as presented. Council Member Ruth Hansen SECONDED the motion. Mayor Nielson then asked if there were any comments or questions regarding the minutes. There being none, he called for a vote on the motion. The motion passed unanimously.

The minutes of a Regular City Council Meeting held June 24, 1985, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Ruth Hansen MOVED the minutes be approved as corrected. Council Member Gayle Bunker SECONDED

the motion. Mayor Nielson asked if there were any questions or comments regarding the minutes or the motion. There being none, he called for a vote on the motion, which passed unanimously.

ACCOUNTS PAYABLE

There were no accounts payable presented at this meeting.

CITY MANAGER JIM ALLAN: PROPOSED PURCHASE OF PROPERTY WITHIN BLOCK 74 (OLD FOOTBALL FIELD PROPERTY)

Mayor Nielson asked City Manager Jim Allan to inform the Council of the status of the proposed purchase by Delta City of the property located in Block 74, commonly referred to as the old football field property. Mr. Allan presented each of the Council members with a map of the property located in Block 74, and reviewed with them the following items:

1. At the time the Millard County School District had requested annexation of the property along 450 South Street for the purpose of constructing the Delta South Elementary School, the annexation was conditioned upon the Millard County School District being responsible for paving of a section of 450 South Street 15 feet wide and approximately 650 feet long. The cost of the completing this work now underway by Valley Asphalt is estimated to be \$13,125.00.
2. A second condition of annexation was that the Millard County School District would pay 50% of the cost of the drainage along 450 South Street. The total cost during IPA contract negotiations with Delta City in 1983 were estimated to be \$24,000. Accordingly, Millard County School District was to pay \$12,000.00, Intermountain Power Project agreed to pay \$6,000.00, and Delta City obligated itself to pay the remaining \$6,000.00.
3. The School District is responsible to pave a 12 foot wide strip of black-top from the edge of the street to the curb and gutter on 350 East Street from 200 to 300 North Street as part of the development costs for the Vocational School. This work is estimated to be \$6300.00.

If Delta City would assume the above, except the \$12,000 drainage cost on 450 South Street and asphaltting on Center Street at \$4,575, and asphaltting on 200 North Street at \$4,430, the City would accrue a \$28,420.00 credit with Millard County against the football field property purchase price of \$46,000.00. The City has \$13,333 in park dedication funds that could be added to the credits, and would permit a total of \$41,763.00 to be applied towards the purchase of the property. Because Millard County School District has requested \$46,000.00 for the property, there would be an outstanding balance of \$4,437.00 that the City would owe the School District.

Mayor Nielson recognized the presence of Dr. Kenneth Topham, Superintendent of the Millard County School District, and invited him to offer his input on the City's proposed purchase of the old football field. Dr. Topham noted that there are some differences in the pavement project measurements along the streets the Millard County School District is responsible for according to what the School District has measured and to what Bush and Gudgeon has determined. He also said that there is some concern regarding the cost of the drainage along 450 South Street for the South Elementary School and said the School Board didn't feel the school should pay one-half of the cost of this project. Dr. Topham stated that the Millard County School District Board agrees with the City's concept for the purchase of the old football field and feels that the transaction can be complete when the details are worked out. Following a general discussion of the issue, it was the opinion of the Council that City Manager Jim Allan and Dr. Topham should meet and work out the details and report to the Council. Dr. Topham and Mr. Allan agreed to meet sometime between July 8 and July 15, after which Mr. Allan will report back to the Council. Mayor Nielson then thanked Dr. Topham for his input into the discussion and for his attendance at the City Council meeting.

COUNTY COMMISSIONER ABNER JOHNSON: FIRE PROTECTION FOR MILLARD COUNTY

Mayor Nielson recognized Millard County Commissioner Abner Johnson and requested that Commissioner Johnson review with the Council the proposed fire protection for West Millard County residents by the Delta City Fire Department. Commissioner Johnson asked Mayor Nielson if the City had received a check for fire protection from the County. Mayor Nielson stated that a check was received by Delta City from Millard County for county fire protection in the amount of \$9,621.91 to cover the period from January, 1985 through June, 1985. Mayor Nielson further stated a bill had been prepared and mailed to Millard County from Delta City for \$25,000.00 for fire protection. The last check received from Millard County prior to the aforementioned check, Mayor Nielson stated, was in February of 1984. Commissioner Johnson said that there appears to be a problem with the time frame of the Delta City budget, which is on a fiscal year, and Millard County's budget, which is on a calendar year. Commissioner Johnson told the Council he had reviewed Millard County's records regarding payment of fire protection for the last ten years, and found a check was issued to Delta City each February for fire protection, which would be eight months into Delta City's fiscal year, and only two months into Millard County's calendar year. The question appears to be whether Millard County is six months behind on the fire protection payment to Delta City, or are they six months ahead. The last check issued to Delta City was in February of 1984 for \$18,000, which appears to be payment for Delta City's fiscal year of 1983-84. At that time, Millard County was giving each of the cities such as Fillmore, Delta, Kanosh, Holden, Hinckley, etc., a lump sum payment for fire protection. The state auditor has since informed Millard County that this is not an acceptable procedure to follow. The state auditor has instructed Millard County that payments from Millard County must be by invoice, not in a lump sum. Therefore, Millard County requested Delta City submit invoices for the cost of operating the Delta City Fire Department and stated the percentage of fires in the county. For example, if 60% of the fire were in

the county, Millard County will then pay 60% of the cost of operating and maintaining Delta City's Fire Department up to a maximum of \$25,000.00, which is the amount of the total bills submitted by Delta City for the 1984-85 fiscal year budget. Commissioner Johnson explained that the Millard County Commissioners feel that the \$18,000.00 paid to Delta City in February of 1984 was payment for the calendar year of 1984; however, in order to clear the account with Delta City, the Millard County Commissioners have agreed to pay an additional amount for the cost of the operation and maintenance of Delta City's Fire Department for the period of July 1 to December 31, 1984. Commissioner Johnson also stated that the County already had the bill covering the period from July 1 to December 31 or 1984, and a check for this period is being processed.

Commissioner Johnson further stated that the Millard County Commissioners request to continue through 1985 with the \$25,000 amount requested by Delta City. Commissioner Johnson then said Millard County would request Delta City and Millard County meet and negotiate the possibility of entering into an interlocal agreement regarding fire protection for a set fee, thus eliminating the need for Delta City to submit invoices and explain to Millard County the expenditures for the Delta City Fire Department. Mayor Nielson said that the total bill from Delta City to Millard County for fire protection received by the County is approximately \$49,206.00. Millard County was to pay 63% of this amount, which would be \$31,000.00. However, Millard County had only budgeted \$25,000.00 for fire protection, which is the amount Delta City is expecting to receive for the Delta City fiscal year 1984-85 budget. There was a very lengthy discussion regarding the issue of fire protection for Millard County, after which Commissioner Johnson agreed that the County is willing to pay for the operation and maintenance of Delta City's fire department to Millard County from July 1 of 1984 to December 31 of 1984 and stated Millard County has paid Delta City for January 1, 1985, to June 30, 1985, \$9,621.91. Millard County will be willing to negotiate a contract for the next 18 months with Delta City for the west Millard County residents after which, by order of the state auditor, Millard County will be on a fiscal year budget the same as Delta City.

Council Member Gayle Bunker then MOVED to instruct City Manager Jim Allan to meet with representatives from Millard County to prepare an interlocal agreement between Delta City and Millard County for Delta City Fire Department to provide fire protection for west Millard County residents for up to 18 months beginning July 1, 1985. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson then asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion passed unanimously.

DAVID CLARK, PRESIDENT DELTA AREA CHAMBER OF COMMERCE: CHAMBER OF COMMERCE REQUEST FOR FUNDING FOR 1985-86 BUDGET

Mayor Grant Nielson recognized David Clark, president of the Delta Area Chamber of Commerce and requested that Mr. Clark address the issue of requested funds from Delta City to Delta Area Chamber of Commerce for the Chamber's 1985-86 fiscal year budget. Mr. Clark expressed appreciation to the Council on behalf of the Delta Area Chamber of Commerce for the

Council's support for this past year. Mr. Clark told the Council that the proposed 1985-86 budget for the Chamber was approximately \$30,000.00. He had been instructed by the Chamber to solicit a donation from the Delta City Council for \$5,000.00, which was the amount donated to the Chamber by Delta City for their 1984-85 budget. Mr. Clark further stated that Intermountain Power Project has been making donations to the Chamber; however, their donations are based on a decreasing scale each year. The Chamber has been working towards increasing their enrollment to offset the smaller donations from IPP. The Chamber is working towards becoming self-supporting. There was some question from the Council regarding the payment to Delta City for the office space occupied by the Chamber within the Delta City Municipal Building. Mr. Clark explained that the Chamber would be issuing a check to Delta City for \$3100.00 for the office rent, and this amount had been included in the 1985-86 budget.

Following further discussion of the issue, Council Member Don Dafoe MOVED the City Council authorize payment of \$5,000.00 as a contribution to the Delta Area Chamber of Commerce for their 1985-86 budget. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson then asked if there were any further comments or questions regarding the issue. There being none, he called for a vote on the motion, which passed unanimously.

CITY MANAGER JIM ALLAN: CITY COUNCIL'S POSITION/DECISION ON PROPOSED AIRPORT ANNEXATION

Mayor Nielson asked City Manager Jim Allan to review with the Council the proposed airport annexation. Mr. Allan reviewed with the Council a map of the proposed airport annexation and a letter to Mayor Grant Nielson from City Attorney Warren Peterson dated June 28, 1985, which reads as follows:

TO: Mayor Grant S. Nielson
FROM: Warren H. Peterson, Delta City Attorney
DATE: June 28, 1985
RE: Airport Annexation

We have reviewed the file on the airport annexation. From the list of property owners that we have taken from the plat, it appears that we may now have both the majority of the property owners and the sufficient ratio of assessed valuation.

Due to the extensive nature of this annexation, considerable analysis and work will be required to prepare the annexation policy declaration, the annexation impact statement and the necessary opinions on whether the annexation standards have been met. Therefore, I think it would be appropriate for a resolution to be submitted to the City Council under the provisions of Section 10-2-416, U.C.A. That section provides that the members of the governing body may by a two-thirds vote pass a resolution accepting a petition

for annexation for the purpose of preparing a policy declaration relative to a proposed annexation. This resolution could be adopted by the Council as an indication of whether the Council is interested in going further with the annexation. The conditions the Council may wish to impose on the annexation could be set out in this resolution. It would be helpful to have such a list if we proceed with the annexation so that we will know the specific qualifications the Council wishes to have met.

The Council has previously discussed certain of these qualifications. The ones which have been noted, as I recall, are as follows:

1. The annexation should include properties fronting on both Highway 50 and Highway 6 to a depth of approximately 660 feet.
2. Agreements be prepared setting conditions for access to City services, including costs of extending water and sewer lines and roads.
3. The water right questions involving the "Morley" well be resolved with the L. Derral Christensen Family Trust.
4. Annexation petitioners should pay their proportionate share of the annexation costs.
5. Zoning and development standards on the Christensen/Madsen properties be established by agreement simultaneous with the annexation.

It is not prudent for us to commit significant additional resources to accomplishment of this annexation without getting a determination from the City Council regarding whether the property will be annexed. Therefore, I request that the City Council be asked to authorize preparation of such a resolution, and include in that resolution a list of the conditions which they desire to be met in the annexation. We could then submit the resolution for adoption. If it is adopted, we will proceed with preparation of the annexation documents.

Please advise me how you wish to proceed and whether you need anything further from our office prior to presenting this request to the Council.

lh

Following a review of the letter, City Manager Jim Allan informed the Council that the Council action that is needed at this point is that the Council vote on whether the proposed airport annexation is of benefit to Delta City or not. However, according to the Utah State Code regarding a Council vote such as this, there must be at least a 4 to 1 vote to approve the action. City Council Member Ruth Hansen asked if the vote was a binding vote regarding the annexation. Mr. Allan explained that the vote was only to determine if the Council felt that the proposed annexation project should continue or be discontinued. If the Council voted to continue the annexation, they would then schedule a public hearing to receive public input regarding the proposed annexation.

Following a brief discussion of the issue, Council Member Neil Dutson said because of Council Member Craig Greathouse being absent, he MOVED to table items D and E on the agenda, which read:

City Manager Jim Allan: City Council's
Position/Decision on Proposed Airport Annexation

City Manager Jim Allan: Schedule Public Hearing for
Proposed Airport Annexation

until such time as the entire Council is in attendance at the meeting. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.


NEIL FORSTER, PUBLIC WORKS DIRECTOR: PURCHASE OF DUMP TRUCK FOR STREET DEPARTMENT

Mayor Nielson asked Public Works Director Neil Forster to address the issue of the proposed purchase of a dump truck for the street department. Mr. Forster told the Council that the street department has a need for a dump truck and that the cost of this truck was included in the budget. This truck can be used for hauling gravel, as well as for snow removal in the winter. Mr. Forster told the Council that there is a state specifications truck which will meet the needs of the street department at Rick Warner Ford at the present time, and that the City can purchase the truck at a cost of \$52,000 for both the truck and the bed. Following a brief discussion of the issue, Council Member Don Dafoe MOVED to authorize purchase of the dump truck for \$44,500, and the bed for \$8,000, or a total price of \$52,500. The motion was SECONDED by Council Member Ruth Hansen. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion passed unanimously.

MINUTES: Regular City Council Meeting, July 1, 1985
Page 8

Mayor Nielson then asked if there were any further comments or questions. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Don Dafoe. The meeting adjourned at 9:35 p.m.


GRANT S. NIELSON, Mayor

Attest: 
DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: July 8, 1985